

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

KEVIN LANIGAN

v.

C.A. NO. 10-515 ML

A.T. WALL ET AL.

REPORT AND RECOMMENDATION

Jacob Hagopian, Senior United States Magistrate Judge

Presently before the Court is a motion filed by plaintiff Kevin Lanigan, *pro se*, for leave to proceed *in forma pauperis* without prepayment of fees pursuant to 28 U.S.C. § 1915(a)(2) (Docket # 2). After consideration of the motion, and of plaintiff's trust account statement, I find that Plaintiff has sufficient funds in his prison trust account to pay the filing fee of \$350.00.

Accordingly, I recommend that plaintiff's motion be **DENIED** and plaintiff be ordered to pay the filing fee in order to proceed with this action.

Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of Court within fourteen days of its receipt. Fed R. Civ. P. 72(b); LR Cv 72(d). Failure to file timely, specific objections to this report constitutes waiver of both the right to review by the district court and the right to appeal the district court's decision. *United States v. Valencia-Copete*, 792 F.2d 4, 6 (1st Cir. 1986) (per curiam); *Park Motor Mart, Inc. v. Ford Motor Co.*, 616 F.2d 603, 605 (1st Cir. 1980).



Jacob Hagopian
Senior United States Magistrate Judge
January 6, 2011